



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
September 24, 2008

PRESENT: Mayor Reed and Council Member Constant.

ABSENT: Vice Mayor Cortese, Council Member Chirco. (Excused)

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Assistant City Manager Christine Shippey, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review of September 30, 2008 Final Agenda.

Action: The Committee approved the September 30, 2008 City Council Final Agenda with the following additions:

- Recommend adoption of the following resolutions in connection with the formation of a Convention Center Facilities District:
 - (a) A Resolution of Intention to Form a Convention Center Facilities District, to Authorize the levy of special taxes pursuant to the City of San Jose Convention Center Facilities District financing procedure, to Set a public hearing on Tuesday, November 4, 2008, at 1:30 p.m. regarding formation of the District and Authorizing other related actions.
 - (b) A Resolution to Incur Bonded Indebtedness of the proposed Convention center Facilities District pursuant to the City of San Jose Convention Center Facilities District financing procedure in an amount not to exceed \$750,000,000.
 - (c) A resolution of Official Intent to Reimburse Expenditure pursuant to United States Treasury Regulations Section 1.150-2 form tax-exempt bond proceeds.
- Presentation of a commendation to Susan Espinoza. (Pyle)
- Presentation of proclamation declaring September 30th as “Bob Doerr Day” in the City of San Jose in honor of the former Mayor’s 95th birthday.
- Item 3.4 (Report of the Public Safety, Finance and Strategic Committee (g) An audit of Commercial Solid Waste Franchise and AB 939 Fee Collection and (h) An audit of Retirement Services’ Travel Expenses) to be cross referenced as separate items.

2. Review of October 7, 2008 Draft Agenda.

Action: The Committee approved the October 7, 2008 City Council Draft Agenda with the following additions:

- Closed Session to begin at 8:30 a.m.
- Item 4.2 (Memorandum of Understanding with Tesla Motors and Review of Economic and Fiscal Impact) will have a time certain of not to be heard before 2.30 p.m.
- Request for an excused absence for Councilmember Nguyen.
- Adopt Bay Area Climate Change Compact. (Mayor)
- Open Forum time certain of 3:30 p.m. to be deleted.

B. Redevelopment Agency

1. Review of September 30, 2008 Final Agenda.

2. Review of October 7, 2008 Draft Agenda.

Action: The agency had no items the Committee approved to cancel the September 30, 2008 Redevelopment Agency Agenda excluding any joint items on the City 's agenda. The Committee approved the October 7, 2008 Draft Redevelopment Agency Agenda.

C. Legislative Update

1. State

(a) Sacramento Update

Director of Intergovernmental Relations Betsy Shotwell and State Lobbyist Roxanne Mille provided a brief update.

(b) Accept Recommended City Positions on the November 4, 2008 California General Election Ballot – Propositions 1A, 3, 5, 6, 7, 10 and 12.

Documents Filed: Memorandum from Betsy Shotwell dated September 18, 2008 recommending City positions for Propositions 1A, 3, 5, 6, 7, 10 and 12 on the November 4, 2008 California General Election ballot.

Action: The Committee approved the positions as recommended.

2. Federal

There were no updates.

D. Meeting Schedules

1. Approval of a Capital Budget Study Session on November 17, 2008, 9:00 a.m. – Noon, in Council Chambers.

Documents Filed: Memorandum from Executive Director Harry S. Mavrogenes dated September 18, 2008 request approval of a Capital Budget Study Session.

Action: The Committee set the Capital Budget Study Session as requested.

E. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated September 19, 2008, transmitting items for the Public Record for the period of September 12-18, 2008.

Action: The Committee noted and filed the Public Record

F. Appointments to Board, Commissions and Committee

There were none.

G. Rules Committee Reviews, Recommendations and Approvals

- 1. Recommendation that the City Council and Agency Board accept the disclosure of property interest by Joseph Horwedel, Director of Planning for the City of San Jose, and direct that the disclosure be entered into the public minutes of the Agency Board meeting.**

Documents Filed: Memorandum from Chief Deputy General Counsel Patricia A. Deignan dated September 16, 2008 recommending disclosure of property interest by Joseph Horwedel.

Action: The Committee accepted the disclosure of property interest by Joseph Horwedel.

- 2. Recommendation that the City Council and Agency Board accept the disclosure of property interest by Debra Figone, City Manager, and direct that the disclosure be entered into the public minutes of the Agency Board meeting.**

Documents Filed: Memorandum from Chief Deputy General Counsel Patricia A. Deignan dated September 16, 2008 recommending disclosure of property interest by Debra Figone.

Action: The Committee accepted the disclosure of property interest by Debra Figone

- 3. Update on Board/Commission Member Absence Policy.**

Documents Filed: Memorandum from City Clerk Lee Price dated September 12, 2008 (1) provide update on the City's policy regarding board/committee/commission member attendance and absences and (2) direct City Clerk to forward to all departments supporting board, committee or commission the absence policy.

Action: The Committee accepted the update and provided direction as recommended.

- 4. Update City of San Jose Employee Travel Policy to Include Web Based Technology.**

Documents Filed: Memorandum from Councilmember Oliverio dated September 12, 2008 recommending updating City of San Jose Travel Policy to include Web Based Technology.

Action: The Committee referred the suggestion to the City Clerk and the City Manager for incorporation into Council Policy #9-5 (Council and Appointee Travel) and the City Manager's Administrative Employee Travel Policy.

5. Recommend Ratification of Election Process for Retiree Representatives to the Federated and Police and Fire Retirement Boards.

Documents Filed: Memorandum from City Clerk Lee Price dated September 19, 2008 recommending: 1) ratify election process; 2) direct staff to develop a Council Policy for procedures to select representatives; and 3) the Committee provide a one-week turn around for Mayor and Council review.

Discussion: The Mayor expressed concern about the number of nominees for this cycle. Discussion followed about conducting more due diligence and expanding the scope of the interview to ensure that the candidates are qualified to serve as trustees. In response to Committee questions, Assistant City Attorney Ed Moran explained options available to the City Council as it relates to appointments to the Retirement Boards. Staff was encouraged to look at options for conducting greater outreach and examine best practices by other cities. In addition, the Committee concurred that, given the Council's fiduciary duties, the process merits improvements in the future.

Action: The Committee approved: 1) to ratify the process for the selection of nominees for Council appointment; 2) directed staff to develop a Council policy for procedures with a look at expanding the scope of the interviews and do some research on due diligence; and 3) a one-week turnaround for Mayor and Council review.

6. Workload Assessment related to suspension of certain provisions of the sign ordinance.

Action: The Committee deferred this item one week.

7. Require Park Fees and/or Parkland for all Affordable Housing Projects.

Documents Filed: Memorandum from Councilmember Oliverio dated September 18, 2008 regarding requiring park fee and /or parkland for all affordable housing projects.

Discussion: There was a lengthy discussion about affordable housing and parks.

Public Comments: Greg Hirsh and Aurelia Sanchez spoke in support of affordable housing.

Pat Dando, Kathy Robinson and Kerri Hamilton urged the Committee to consider projects in the pipeline, objected to any moratoriums, and advocated for clear, fair policies relative to inclusionary housing.

Action: The Committee agreed to refer this to the appropriate departments (Housing, PRNS, Planning, RDA, City Attorney) and to return in 30 days for a workload assessment.

H. Review of additions to Council Committee Agenda

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, Finance and Strategic Support Committee**

There were none.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force (SRTF)**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**

There were none.

J. Open Forum

None were presented.

K. Adjournment

The meeting was adjourned at 4:00 p.m.

Mayor Chuck Reed
Rules and Open Government Committee